

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Brian M. Thomas, *Owner of Your Dollar
Sto' LLC*,

Plaintiff,

v.

USDA Food and Nutrition Service,

Defendant.

Case No. 3:25-cv-2889-SAL-PJG

ORDER

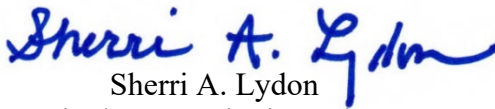
This matter is before the court for review of the April 10, 2025 Report and Recommendation of United States Magistrate Judge Paige J. Gossett (the “Report”). [ECF No. 8.] In the Report, the magistrate judge recommends that the court deny Plaintiff’s motion to proceed in forma pauperis and provide Plaintiff fourteen days to pay the filing fee. *Id.* at 2. If Plaintiff fails to pay the filing fee, the Report recommends that the court dismiss Plaintiff’s complaint without prejudice. *Id.* Although he was advised of his right to file objections to the Report, Plaintiff has not done so, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 8, and incorporates the Report by reference herein. As a result, Plaintiff's motion to proceed in forma pauperis, ECF No. 3, is **DENIED**. Plaintiff is granted fourteen days from the date of this order to pay the filing fee of \$405, and the Clerk of Court is to withhold entry of judgment until such time for payment expires. If Plaintiff timely pays the filing fee, the Clerk is directed to refer this matter back to the magistrate judge for further review. If Plaintiff fails to timely pay the filing fee, the Clerk is directed to dismiss the matter without prejudice pursuant to 28 U.S.C. § 1915(g) at the close of the 14-day period.

IT IS SO ORDERED.

May 5, 2025
Columbia, South Carolina


Sherri A. Lydon
United States District Judge